

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

MICHELE BEEBE, )  
Plaintiff )  
 )  
v. ) C.A. NO. 05-30182-MAP  
 )  
WILLIAMS COLLEGE, )  
Defendant )

MEMORANDUM AND ORDER REGARDING  
REPORT AND RECOMMENDATION WITH REGARD TO  
DEFENDANT'S MOTION TO DISMISS  
(Docket Nos. 12 & 04)

May 10, 2006

PONSOR, D.J.

This is an action under the Family Medical Leave Act ("FMLA"), 29 U.S.C. §§ 2601 et seq., as well as for breach of contract. Defendant filed a partial motion to dismiss regarding the emotional distress damages under the FMLA and with regard to the breach of contract claim in its entirety. The motion was referred to Chief Magistrate Judge Kenneth P. Neiman for report and recommendation.

On April 18, 2006, Magistrate Judge Neiman issued his Report and Recommendation, to the effect that the motion should be allowed with regard to the FMLA emotional distress claim, and otherwise denied. No objection has been filed to this Report and Recommendation by either party.

Upon de novo review, the court hereby ADOPTS the Report and Recommendation of Chief Magistrate Judge Kenneth P.

Neiman dated April 18, 2006. The Motion to Dismiss (Docket No. 4) is ALLOWED with respect to the emotional distress damages claim set forth in Count I, and otherwise DENIED.

This case is hereby referred to Chief Magistrate Judge Neiman to conduct a pretrial scheduling conference.

It is So Ordered.

/s/ Michael A. Ponsor

MICHAEL A. PONSOR

U. S. District Judge